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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,106	03/12/2004	Salman Yousef Abbasi	2003-0113	8930

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EXAMINER

LIU, BEN H

ART UNIT

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2416

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/800,106	Applicant(s) ABBASI ET AL.	
	Examiner BEN H. LIU	Art Unit 2416	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This is in response to an amendment/response filed on April 1st, 2009.
2. No claims have been amended.
3. No claims have been cancelled.
4. No claims have been added.
5. Claims 1-20 are currently pending.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-15, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Tonnby et al. (U.S. Patent Application Publication 2005/0190775).

For claim 1, Tonnby et al. disclose a method, comprising:

receiving, at a media access controller (MAC), a first request for a connection from a requesting agent (*see paragraph 57 and figure 2, which recite an administrative system AD1 of a access system ACC1 that receives a request for a connection between user U11 and service*

Art Unit: 2416

provide SPI), said first request having a quality of service parameter (paragraph 106, which recite a connection request that includes bandwidth and QoS attributes);

sending a second request for one of a plurality of network addresses using one of first and second MAC addresses (*see paragraph 58, which recite assigning a MAC address SAMAC1 assigned based upon the first connection request*) associated with said MAC based on said quality of service parameter (*see paragraph 62, which recite a second request that comprises a DHCP request FR2 that uses the previously assigned MAC address SAMAC1 address to request an IP address for the client*);

receiving a network address in accordance with said second request (*see paragraph 62, which recite a service agent SA1 that allocates an IP address IPUD11 to the user device UD11*);
and

sending the received network address to said requesting agent to establish said connection in accordance with said first request (*see paragraph 62, which recite sending a DHCP response that include the allocated IP address IPUD11 to the client*).

For claim 2, Tonnby et al. discloses a method of allocating network addresses wherein each network address from said plurality of network addresses comprises a network address for a different network (*see figure 2, which recite the ACC1 that provides addresses for service providers SPI to SPn*).

For claim 3, Tonnby et al. discloses a method of allocating network addresses wherein a first network address from said plurality of network addresses comprises a network address for a private network, and a second network address from said plurality of network addresses

Art Unit: 2416

comprises a network address for a public network (*see paragraph 104, which recite providing service bindings to different networks including both public and private networks*).

For claim 4, Tonnby et al. discloses a method of allocating network addresses wherein said connection comprises a multimedia connection (*see paragraph 101, which recite providing access to video-on-demand servers, telephony gateways, game servers, proxy access to other networks, and backup file service providers*).

For claim 5, Tonnby et al. discloses a method of allocating network addresses wherein said multimedia connection comprises one of a voice connection, video connection and audio connection (*see paragraph 101, which recite providing access to video-on-demand servers, telephony gateways, game servers, proxy access to other networks, and backup file service providers*).

For claim 6, Tonnby et al. discloses a method of allocating network addresses wherein said connection comprises a data connection (*see paragraph 101, which recites providing access to video-on-demand servers, telephony gateways, game servers, proxy access to other networks, and backup file service providers*).

For claim 7, Tonnby et al. discloses a method of allocating network addresses wherein the sending said second request comprises: retrieving said quality of service parameter from said first request (*see paragraph 84 and paragraph 101, which recite a quality of service Q denoted on list L11 wherein application services such as video-on-demand servers, telephony gateways, game servers, proxy access to other networks, and backup file service providers require different QoS parameters*); sending said second request for a first network address using said first MAC address if said quality of service parameter indicates a multimedia connection; and sending said

Art Unit: 2416

second request for a second network address using said second MAC address if said quality of service parameter indicates a data connection (*see paragraph 84, which recite the quality of service that is decided for each relation between a user and service provider, wherein the relation is defined by the network address SAMAC1*).

For claim 8, Tonnby et al. discloses a method of allocating network addresses wherein said second request is a dynamic host configuration protocol (DHCP) request (*see paragraph 62, which recite a second request that comprises a DHCP request FR2 that uses the previously assigned MAC address SAMAC1 address to request an IP address for the client*).

For claim 9, Tonnby et al. discloses a method of allocating network addresses wherein the sending said second request comprises sending said dynamic host configuration protocol request to a DHCP server and receiving said network address from said DHCP server (*see paragraph 62, which recite a service agent SA1 that responds to a DHCP request by allocating an IP address IPUD11 to the user device UD11*).

For claim 10, Tonnby et al. disclose an apparatus, comprising:

a media access controller (MAC) having a plurality of MAC addresses;

a requesting agent to connect to said MAC, said requesting agent to send a first request for a network address (*see paragraph 57 and figure 2, which recite a user U11 that sends a request for a connection with service provide SP1 to an administrative system AD1 of a access system ACC1 that*); and

a driver module to connect to said MAC and said requesting agent, said driver module to receive said first request and determine whether said first request is for one of a multimedia connection or data connection (*paragraphs 101 and 106, which recite a connection request that*

Art Unit: 2416

includes bandwidth and QoS attributes wherein application services such as video-on-demand servers, telephony gateways, game servers, proxy access to other networks, and backup file service providers require varying QoS parameters),

said driver module to instruct said MAC to send a second request for a first network address using a first MAC address if said first request is for a multimedia connection, and to send a second request for a second network address using a second MAC address if said first request is for a data connection *(see paragraphs 62 and 84, which recite the quality of service that is decided for each relation between a user and service provider, wherein the relation is defined by the MAC address SAMAC1 used to request a second network address).*

For claim 11, Tonnby et al. discloses an apparatus that allocates network addresses wherein the driver module sends said first or second network address to said requesting agent to establish said connection in accordance with said first request *(see paragraph 64, which recite transmitting the allocated AMC address SAMAC1 to the user device UD11).*

For claim 12, Tonnby et al. discloses an apparatus that allocates network addresses wherein the requesting agent comprises part of a multimedia module *(see paragraph 57, which recite sending a connection request using a telephone call).*

For claim 13, Tonnby et al. discloses an apparatus that allocates network addresses wherein the multimedia module comprises a multimedia terminal adapter and analog telephone *(see paragraph 57, which recite sending a connection request using a telephone call).*

For claim 14, Tonnby et al. discloses an apparatus that allocates network addresses wherein the multimedia module comprises at least one of a packet telephone, video equipment and audio equipment *(see paragraph 101, which recite providing users access to video-on-*

Art Unit: 2416

demand servers wherein the user equipment must include video and audio equipment to utilize the service).

For claim 15, Tonnby et al. discloses an apparatus that allocates network addresses wherein the requesting agent comprises part of a data module (*see paragraph 101, which recite providing users access to file backup service providers wherein the user equipment must include a data module to utilize the service).*

For claim 16, Tonnby et al. discloses an apparatus that allocates network addresses wherein said data module comprises one of a computer, server and workstation (*see paragraph 2, which recite a virtual LAN such as those connected by ACC1 that comprises computers that communicate with each other).*

For claim 17, Tonnby et al. discloses an apparatus that allocates network addresses further comprising a dynamic host configuration protocol (DHCP) server to connect to said MAC said DHCP server to receive said second request (*see paragraph 62, which recite a service agent SA1 that receives a second request that comprises a DHCP request FR2 that uses the previously assigned MAC address SAMAC1 address to request an IP address for the client), retrieve one of said first network address and second network address from a DHCP table, and send said retrieved network address to said MAC (see figure 7 and paragraph 62, which recite retrieving network address SAMAC1 from table TAB1).*

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2416

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tonnby et al. (U.S. Patent Application Publication 2005/0190775) in view of Chiang et al. (U.S. Patent 5,835,725).

For claim 18, Tonnby et al. disclose a computer readable medium storing computer executable instructions, said computer executable instructions defining steps comprising:

Art Unit: 2416

receiving, at a media access controller (MAC), a first request for a connection from a requesting agent (*see paragraph 57 and figure 2, which recite an administrative system AD1 of a access system ACC1 that receives a request for a connection between user U11 and service provide SP1*), said first request having a quality of service parameter (*paragraph 106, which recite a connection request that includes bandwidth and QoS attributes*);

sending a second request for one of a plurality of network addresses using one of first and second MAC addresses (*see paragraph 58, which recite assigning a MAC address SAMAC1 assigned based upon the first connection request*) associated with said MAC based on said quality of service parameter (*see paragraph 62, which recite a second request that comprises a DHCP request FR2 that uses the previously assigned MAC address SAMAC1 address to request an IP address for the client*);

receiving a network address in accordance with said second request (*see paragraph 62, which recite a service agent SA1 that allocates an IP address IPUD11 to the user device UD11*);
and

sending the received network address to said requesting agent to establish said connection in accordance with said first request (*see paragraph 62, which recite sending a DHCP response that include the allocated IP address IPUD11 to the client*).

Tonnby et al. disclose all the subject matter of the claimed invention with the exception wherein the method that allocates network addresses is implemented as a computer readable medium storing computer executable instructions for performing the address allocation. However, Chiang et al. from the same or similar fields of endeavor discloses a technique for dynamic address assignment and resolution (*see abstract*) wherein the dynamic address

Art Unit: 2416

assignment is implemented as application software 412 implemented on memory (*see figure 4 and column 6 lines 22-31*). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to implement the method for allocating network addresses by using a memory unit that is able to store executable instructions as taught by Chiang on the access system ACC1 as taught by Tonnby et al. The motivation for implementing the method for allocating network addresses memory unit that is able to store executable instructions is to improve the usability of the system by allowing for configuration changes without costly hardware modifications.

For claim 19, Tonnby et al. discloses an apparatus that allocates network addresses wherein the computer executable instructions defining the step of sending a second request comprise computer executable instructions defining the steps of: retrieving said quality of service parameter from said first request (*see paragraph 84 and paragraph 101, which recite a quality of service Q denoted on list L11 wherein application services such as video-on-demand servers, telephony gateways, game servers, proxy access to other networks, and backup file service providers require different QoS parameters*); sending said second request for a first network address using said first MAC address if said quality of service parameter indicates a multimedia connection; and sending said second request for a second network address using said second MAC address if said quality of service parameter indicates a data connection (*see paragraph 84, which recite the quality of service that is decided for each relation between a user and service provider, wherein the relation is defined by the network address SAMAC1*).

For claim 20, Tonnby et al. discloses an apparatus that allocates network addresses wherein the computer executable instructions defining the step of sending a second request

Art Unit: 2416

comprise computer executable instructions defining the steps of: sending a dynamic host configuration protocol (DHCP) to a DHCP server (*see paragraph 62, which recite a service agent SA1 that receives a second request that comprises a DHCP request FR2 that uses the previously assigned MAC address SAMAC1 address to request an IP address for the client*) and receiving said network address from said DHCP server (*see paragraph 62, which recite a client that receives a DHCP response that includes it's allocated IP address IPUD11*).

Response to Arguments

12. It is noted with appreciation that the Applicant has carefully considered the previous Office Action and the cited prior art references. Applicant's arguments filed April 1st, 2009 have been fully considered but they are not persuasive.

The Applicant notes that the prior art of Tonnby et al. "describes allocating a first MAC address SAMAC1 to service port PT1 and a second MAC address SAMAC2 to service port PT2, each of these MAC addresses is the MAC address of a separate user device" (*see Applicant's remarks, page 9 lines 23-26*). The Applicant then asserts that, "Tonnby does not describe two MAC addresses assigned to the same device" (*see Applicant's remarks, page 9 lines 30-31*). However, it is noted that Tonnby et al. disclose allocating a first MAC address (SAMAC1) to service port PT1 and a different MAC address (SAMAC3) to the same PT1 port (*see Tonnby et al., paragraphs 58 and 59*). Therefore, Tonnby et al. does disclose sending a second request for one of a plurality of network addresses using one of first (*SAMAC1*) and second (*SAMAC3*) MAC addresses as recited in independent claim 1.

For at least the reasons provided above, the Applicant's arguments regarding independent claim 1 and similar arguments regarding the remaining independent claims are not persuasive.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BEN H. LIU whose telephone number is (571)270-3118. The examiner can normally be reached on 9:00AM to 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571)272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2416

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ricky Ngo/
Supervisory Patent Examiner, Art Unit
2416

BL